

# EXECUTIVE ORDER 8038

## ESTABLISHING THE CABEZA PRIETA GAME RANGE

ARIZONA

By virtue of and pursuant to the authority vested in me as President of the United States, and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Subject to the conditions expressed in the above-mentioned acts and to all valid rights, the following-described lands, in so far as title thereto is in the United States, are hereby withdrawn from settlement, location, sale, or entry, and reserved and set apart for the conservation and development of natural wildlife resources, and for the protection and improvement of public grazing lands and natural forage resources: *Provided*, That nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws: *Provided further*, That any lands within the described area that are otherwise withdrawn or reserved will be affected hereby only in so far as may be consistent with the uses and purposes for which such prior withdrawal or reservation was made: *And provided further*, That upon termination of any private right to, or appropriation of, any public lands within the exterior limits of the area included in this order, or upon the revocation of prior withdrawals unless expressly otherwise provided in the order of revocation, the lands involved shall become a part of the preserve:

GILA AND SALT RIVER MERIDIAN

Beginning at the corner common to unsurveyed Tps. 11 and 12 S., Rs. 16 and 17 W.

Thence easterly with the north boundary of unsurveyed T. 12 S., Rs. 16 to 9 W., inclusive, approximately 48 miles, to the corner common to unsurveyed Tps. 11 and 12 S., Rs. 8 and 9 W.;

Thence northerly with the west boundary of unsurveyed T. 11 S., R. 8 W., approximately 6 miles, to the corner common to unsurveyed Tps. 10 and 11 S., Rs. 8 and 9 W.

Thence easterly with the north boundary of unsurveyed T. 11 S., Rs. 8 and 7 W., approxi-

mately 12 miles, to the northwest corner of T. 11 S., R. 6 W.;

Thence southerly with the west boundary of Tps. 11, 12, 13, and 14 S., R. 6 W., approximately 21 miles, to the corner of Secs. 18 and 19, T. 14 S., R. 6 W., and Secs. 13 and 24, unsurveyed T. 14 S., R. 7 W., in the north boundary of the Organ Pipe Cactus National Monument;

Thence following the north boundary of said Organ Pipe Cactus National Monument, westerly with the third latitudinal section line through unsurveyed T. 14 S., Rs. 7 and 8 W., to the corner of Secs. 15, 16, 21, and 22, unsurveyed T. 14 S., R. 8 W., which point is also the northwest corner of the Organ Pipe Cactus National Monument;

Thence following the west boundary of said Organ Pipe Cactus National Monument, southerly with the third meridional section line through unsurveyed Tps. 14, 15, 16, and 17 S., R. 8 W., approximately 17 miles to its intersection with the International Boundary between the United States and Mexico;

Thence northwesterly with said International Boundary, approximately 56 miles, to the west boundary of unsurveyed T. 14 S., R. 16 W.;

Thence northerly with the west boundary of unsurveyed Tps. 14, 13, and 12 S., R. 16 W., approximately 13 miles, to the place of beginning; excepting therefrom those parts of a strip of land 60 feet wide, lying along the International Boundary, reserved under the proclamation of May 27, 1907 (35 Stat. 2136).

SECTION 2. This range or preserve, so far as it relates to conservation and development of wildlife, shall be under the joint jurisdiction of the Secretaries of the Interior and Agriculture, and they shall have power jointly to make such rules and regulations for its protection, administration, regulation, and improvement, and for the removal and disposition of surplus game animals as they may deem necessary to accomplish its purposes and not inconsistent with State law, and the range or preserve being within a grazing district duly established pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), shall be under the exclusive jurisdiction of the Secretary of the Interior so far as it relates to the public grazing lands and natural forage resources thereof: *Provided, however*, That all the forage resources in excess of that required to maintain a balanced wildlife population within this range or preserve shall be available for domestic livestock under rules and regulations promulgated by the Secretary of the Interior under the authority of the aforesaid act of June 28, 1934, as amended:

*And provided further*, That land within the exterior limits of the area herein described, hereafter acquired by the United States for the use of the Department of Agriculture for conservation of migratory birds in accordance with the Migratory Bird Conservation Act of February 18, 1929, 45 Stat. 1222, as amended by the Act of June 15, 1935, 49 Stat. 381, shall be, and remain under the exclusive administration of the Secretary of Agriculture and may be utilized for public grazing purposes only to such extent as may be determined by the said Secretary to be compatible with the utilization of said lands for the purposes for which they were acquired as aforesaid under regulations prescribed by him.

SECTION 3. This preserve shall be known as the Cabeza Prieta Game Range.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
January 25, 1939.

# EXECUTIVE ORDER 8039

## ESTABLISHING THE KOFA GAME RANGE

ARIZONA

By virtue of and pursuant to the authority vested in me as President of the United States, and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Subject to the conditions expressed in the above-mentioned acts and to all valid rights, the following-described lands, in so far as title thereto is in the United States, are hereby withdrawn from settlement, location, sale, or entry, and reserved and set apart for the conservation and development of natural wildlife resources, and for the protection and improvement of public grazing lands and natural forage resources: *Provided*, That nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws: *Provided further*, That any lands within the described area that are otherwise withdrawn or reserved will be affected hereby only in so far as may be consistent with the uses and purposes

for which such prior withdrawal or reservation was made: *And provided further*, That upon termination of any private right to, or appropriation of, any public lands within the exterior limits of the area included in this order, or upon the revocation of prior withdrawals unless expressly otherwise provided in the order of revocation, the lands involved shall become a part of the preserve:

GILA AND SALT RIVER MERIDIAN

Tps. 1 and 2 N., R. 15 W., all;  
Tps. 1 and 2 N., Rs. 16 and 17 W. (unsurveyed), all;

Tps. 1 and 2 N., R. 18 W., all;  
Tps. 1, 2, and 3 S., R. 15 W. (unsurveyed), all;

T. 4 S., R. 15 W., all;  
Tps. 1, 2, and 3 S., R. 16 W. (unsurveyed), all;

T. 4 S., R. 16 W., all;  
Tps. 1 to 5 S., inclusive, R. 17 W. (unsurveyed), all;

Tps. 1 to 5 S., inclusive, R. 18 W. (unsurveyed), all;

T. 2 S., R. 19 W. (unsurveyed), secs. 1, 2, and 3; secs. 10 to 15, inclusive; secs. 22 to 28, inclusive; and secs. 32 to 36, inclusive;

T. 3 S., R. 19 W. (unsurveyed), secs. 1 to 5, inclusive; secs. 8 to 17, inclusive; secs. 20 to 28, inclusive; and secs. 33 to 36, inclusive;

T. 4 S., R. 19 W. (unsurveyed), secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; secs. 21 to 28, inclusive; and secs. 33 to 36, inclusive;

T. 5 S., R. 19 W. (unsurveyed), secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; secs. 21 to 28, inclusive; and secs. 33 to 36, inclusive.

SECTION 2. This range or preserve, so far as it relates to conservation and development of wildlife, shall be under the joint jurisdiction of the Secretaries of the Interior and Agriculture, and they shall have power jointly to make such rules and regulations for its protection, administration, regulation, and improvement, and for the removal and disposition of surplus game animals, as they may deem necessary to accomplish its purposes and not inconsistent with State law, and the range or preserve, being within a grazing district duly established pursuant to the provisions of the act of June 28, 1934, ch. 865, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, shall be under the exclusive jurisdiction of the Secretary of the Interior so far as it relates to the public grazing lands and natural forage resources thereof: *Provided, however*, That

all the forage resources in excess of that required to maintain a balanced wildlife population within this range or preserve shall be available for domestic livestock under rules and regulations promulgated by the Secretary of the Interior under the authority of the aforesaid act of June 28, 1934, as amended; *And provided further*, That land within the exterior limits of the area herein described, hereafter acquired by the United States for the use of the Department of Agriculture for conservation of migratory birds in accordance with the Migratory Bird Conservation Act of February 18, 1929, 45 Stat. 1222, as amended by the Act of June 15, 1935, 49 Stat. 381, shall be, and remain under the exclusive administration of the Secretary of Agriculture and may be utilized for public grazing purposes only to such extent as may be determined by the said Secretary to be compatible with the utilization of said lands for the purposes for which they were acquired as aforesaid under regulations prescribed by him.

SECTION 3. This preserve shall be known as the Kofa Game Range.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,  
January 25, 1939.

#### EXECUTIVE ORDER 8040

##### REGULATIONS GOVERNING THE PAYMENT OF ADDITIONAL COMPENSATION TO ENLISTED MEN OF THE NAVY SPECIALLY QUALIFIED IN THE USE OF ARMS

By virtue of and pursuant to the authority vested in me by section 18 of the act entitled "An Act To readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service", approved June 10, 1922 (42 Stat. 632), it is hereby ordered that enlisted men of the Navy who have established their special qualifications in the use of the arm or arms which they may be required to use, according to standards of efficiency that may be prescribed from time to time by the Secretary of the Navy, and who are so stationed by their commanding officers that they may be required to use such arm or arms, including periods while transferred for temporary duty away from the ship to which permanently attached (provided the commanding officer of the ship to

which they are permanently attached has retained them in the battle stations where they normally use such arm or arms), shall receive additional compensation, for such periods of time as may be prescribed by the Secretary of the Navy, as follows:

First Class.....	\$5.00 per month
Second Class.....	4.00 per month
Third Class.....	3.00 per month
Fourth Class.....	2.00 per month
Fifth Class.....	1.00 per month

Executive Order No. 3696 of June 22, 1922, prescribing regulations governing the payment of additional compensation to enlisted men of the Navy specially qualified in the use of arms, is hereby superseded.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,  
January 25, 1939.

#### EXECUTIVE ORDER 8041

[Exemption of Henry Clarke Hill from compulsory retirement for age]

#### EXECUTIVE ORDER 8042

##### AUTHORIZING INITIAL APPOINTMENTS TO CERTAIN POSITIONS IN THE AIR SAFETY BOARD, CIVIL AERONAUTICS AUTHORITY, WITHOUT COMPLIANCE WITH THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth of subdivision SECOND of section 2 of the Civil Service Act (22 Stat. 403, 404), it is hereby ordered that, subject to the establishment before the Civil Service Commission of the requisite qualifications in each case, initial appointments to each of the following-named positions under the Air Safety Board, Civil Aeronautics Authority, may be effected without compliance with the competitive requirements of the Civil Service Rules:

Executive Officer  
Technical Adviser  
Chief of Investigation Division  
Chief of Examiners' Section  
Chief of Investigation Section  
Chief of Technical Section  
Chief of Information and Publications Division  
Chief of Liaison Section  
Chief of Information and Statistical Section

This order is recommended by the Chairman of the Air Safety Board, Civil Aeronautics Authority.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,  
January 30, 1939.

#### EXECUTIVE ORDER 8043

##### AMENDING SCHEDULES A AND B OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the Constitution, by Section 1753 of the Revised Statutes (5 U. S. C. 631), by the Civil Service Act of January 16, 1883 (22 Stat. 403), and as President of the United States, Schedules A and B of the Civil Service Rules are hereby amended to read as follows:

##### SCHEDULE A

##### POSITIONS EXCEPTED FROM EXAMINATION UNDER SECTION 3, CIVIL SERVICE RULE II

##### I. Entire Executive Civil Service

1. Chaplains.
2. Cooks, when in the opinion of the Commission it is not expedient to make appointment upon competitive examination; but this paragraph shall not apply to positions of cook at fixed locations, such as hospitals, quarantine stations, or penal institutions.
3. Positions to which appointments are made by the President without confirmation by the Senate.
4. Special attorneys employed on a temporary basis for specific litigation or other legal work where knowledge of local values or conditions or other specialized qualifications not possessed by the attorneys regularly employed by the department are required for successful results. Such temporary employment shall be only for such time as is required to complete the specific assignment for which the original appointment was approved.
5. Chinese, Japanese, and Hindu interpreters.
6. Any person receiving from one department or establishment of the Government for his personal salary compensation aggregating not more than \$540 per annum whose duties require only a portion of his time, or whose services are

needed for very brief periods at intervals, provided that employment under this provision shall not be for job work such as contemplated in section 4 of rule VIII. This paragraph does not apply to employments in Washington, D. C. The name of the employee, designation, duties, rate of pay, and place of employment shall be shown in the periodical reports of changes; and in addition, when payment is not at a per annum rate, the total service rendered and the distribution of such service during the year shall be shown in the report of changes at the end of each year or when the employee is separated from the service. The additional employment under similar conditions of such a person by another department or establishment of the Government will be subject to the approval of the Civil Service Commission.

7. Any person employed in a foreign country or in the Virgin Islands, or in any island possession of the United States in the Pacific ocean (except the Hawaiian Islands), or United States citizens employed in a confidential capacity in the Philippine Islands, when in the opinion of the Civil Service Commission it is not practicable to treat the position as in the competitive classified service; but this paragraph shall not apply to any person employed in Canada or Mexico in the service of the Immigration and Naturalization Service, Department of Labor, or to any person employed in any foreign country by the Bureau of Customs of the Treasury Department.

8. Officers and employees in the Federal service on the Isthmus of Panama, except accountant, bookkeeper, clerk, draftsman, physician, playground director, statistician, stenographer, surgeon, trained nurse, typist, and harbor personnel in the Quartermaster Corps of the War Department. Appointments to clerical positions on the Isthmus of Panama paying \$100 in United States currency per month or less may be made without examination.

9. Positions in Alaska when, in the opinion of the Commission, the use of existing registers or the establishment of new registers is considered impracticable. Former employees who served in positions excepted under this paragraph may be reinstated to positions in Alaska in the department in which they served upon recommendation of the appointing